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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-782

11 **ROY GREGORY BROOKS**  
12 **1303 S. Acacia Street**  
13 **Compton, CA 90220**  
14 **Registered Nurse License No. RN 376716**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about March 17, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs, filed Accusation No. 2011-782 against Roy Gregory Brooks (Respondent)  
20 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

21 2. On or about August 31, 1984, the Board of Registered Nursing (Board) issued  
22 Registered Nurse License No. RN 376716 to Respondent. The Registered Nurse License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on  
24 November 30, 2011, unless renewed.

25 3. On or about March 17, 2011, Respondent was served by Certified and First Class  
26 Mail copies of the Accusation No. 2011-782, Statement to Respondent, Notice of Defense,  
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,  
2 which was and is: 1303 S. Acacia Street, Compton, CA 90220.

3 4. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
5 124.

6 5. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
9 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

10 6. Respondent failed to file a Notice of Defense within 15 days after service upon him  
11 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
12 2011-782.

13 7. California Government Code section 11520 states, in pertinent part:

14 (a) If the respondent either fails to file a notice of defense or to appear at the  
15 hearing, the agency may take action based upon the respondent's express admissions  
16 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

17 8. Pursuant to its authority under Government Code section 11520, the Board finds  
18 Respondent is in default. The Board will take action without further hearing and, based on the  
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
21 file at the Board's offices regarding the allegations contained in Accusation No. 2011-782, finds  
22 that the charges and allegations in Accusation No. 2011-782, are separately and severally, found  
23 to be true and correct by clear and convincing evidence.

24 9. Taking official notice of its own internal records, pursuant to Business and  
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
26 and Enforcement of this matter are \$2,305.00 as of April 20, 2011.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent has subjected his Registered  
3 Nurse License (No. RN 376716) to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
6 Nurse License based upon the following violations alleged in the Accusation, which are  
7 supported by the evidence contained in the Default Decision Evidence Packet in this case:

8 a. Business and Professions Code sections 2761, subdivision (f) and 490 (Conviction of  
9 Substantially Related Crimes.)

10 b. Business and Professions Code sections 2761, subdivision (a) and 2762, subdivision  
11 (b) (Dangerous Use of Alcohol.)

12 c. Business and Professions Code sections 2761, subdivision (a) and 2762, subdivision  
13 (c). (Convictions Involving the Consumption of Alcohol.)

14 ORDER

15 IT IS SO ORDERED that Registered Nurse License No. RN 376716, heretofore issued to  
16 Respondent Roy Gregory Brooks, is revoked.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
18 written motion requesting that the Decision be vacated and stating the grounds relied on within  
19 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
20 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

21 This Decision shall become effective on July 14, 2011.

22 It is so ORDERED June 14, 2011

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25 FOR THE BOARD OF REGISTERED NURSING  
26 DEPARTMENT OF CONSUMER AFFAIRS

27 50889312.DOC  
28 DOJ Matter ID: LA2010600993  
Attachment: Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2011-782

12 **ROY GREGORY BROOKS**

**A C C U S A T I O N**

13 1303 S. Acacia Street  
Compton, CA 90220

14 Registered Nurse License No. 376716

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 31, 1984, the Board of Registered Nursing (Board) issued  
23 Registered Nurse License No. RN 376716 to Roy Gregory Brooks (Respondent). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on November 30, 2011, unless renewed.

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1       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
3 conclusive evidence thereof."

4       7. Section 2762 , in pertinent part:

5       "In addition to other acts constituting unprofessional conduct within the meaning of this  
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
7 chapter to do any of the following:

8       ....

9       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
13 ability to conduct with safety to the public the practice authorized by his or her license.

14       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
15 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
16 or the possession of, or falsification of a record pertaining to, the substances described in  
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
18 thereof."

19       8. Section 2764 provides, in pertinent part, that the expiration of a license shall not  
20 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
21 to render a decision imposing discipline on the license.

#### 22                                   REGULATORY PROVISIONS

23       9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

24       "A conviction or act shall be considered to be substantially related to the qualifications,  
25 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
26 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
27 safety, or welfare.

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